

ZONING MAP CHANGE REPORT

Meeting Date: September 4, 2012

Table A. Summary			
Application Summary			
Case Number	Z1200012	Jurisdiction	City
Applicant	West Corp Holdings	Submittal Date	May 14, 2012
Reference Name	North Street Residential	Site Acreage	1.63
Location	700 and 800 blocks of North Street, north of Broadway Street and south of Northwood Circle.		
PIN(s)	0831-05-09-1814, -1719, -1714, -1619, -1529, -1525, -1520, -3610, -3515, -3419		
Request			
Proposed Zoning	Residential Urban – Multifamily (RU-M) and Urban Tier	Proposal	Six single-family detached homes (not committed)
Site Characteristics			
Development Tier	Downtown		
Land Use Designation	Design District		
Existing Zoning	Downtown Design – Support 2 (DD-S2)		
Existing Use	Vacant, single-family residential		
Overlay	n/a	Drainage Basin	Falls Lake
River Basin	Neuse	Stream Basin	Ellerbe Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is not consistent with the <i>Comprehensive Plan</i> , and other adopted policies and ordinances.		
Planning Commission	Approval, 12 – 1 on July 10, 2012. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, should the plan amendment be approved, the request would be consistent with the <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of a ten-parcel, 1.63 acre site from DD-S2 to RU-M for a development of six single-family homes (not committed) and place in the Urban Tier. The site is located at 700 and 800 block of North Street, north of Broadway Street and south of Northwood Circle (see Attachment 1, Context Map). This request is not consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Design District/Downtown Tier. A plan amendment, Case A1200004, has been requested to change the designation of this site to Medium Density Residential (6-12 DU/Ac.)/Urban Tier. Staff is recommending denial of this plan amendment.

Appendix A provides supporting information.

B. Site History

This site was subject to analysis throughout the Downtown Zoning Update, case Z0900016, which was initiated by the administration through recommendation in the Master Plan Update completed in 2008.

During the initial establishment of the Downtown Design District three principles were used to guide the establishment of new boundaries during the Downtown Zoning Update process. One principle articulated was to ensure that the Downtown Design District did not expand into any historic districts in the surrounding area. The main reason behind this principle was to avoid incentives to tear down historic structures that could result from allowing more intense development to occur. A second principle was to ensure that the Downtown Design District did not expand into established urban residential neighborhoods for the same reason. Lastly, staff took the approach that any addition to or subtraction from the Downtown Tier should have general support from the community as well as logical reasoning behind the proposed change.

During the Downtown Zoning Update workshops some participants indicated interest in expanding the Downtown Tier into the blocks between North, Madison, Geer, and Corporation (the request under consideration). However, at the time, staff was concerned that this would be violating the second principle (listed above) used to set the boundaries. Late in the process staff received additional information and conducted site visits to the blocks in question and determined that inclusion of these blocks in the Downtown would be helpful in solving some of the health and safety issues present in many of these structures. These blocks do not fall into the intact single family or duplex category that surrounds most of Downtown and was intended to be protected by that second principle. Further following the logic used in drawing the boundaries, these blocks are not in any historic districts, and general support from the community was expressed for this inclusion during the public input process. Once staff determined that a logical reason for including these in the district existed, Planning Staff recommended to the Planning Commission and to City Council that this be initiated as part of the adopted of the Downtown Zoning Update and was thus initiated with zoning map change case Z1000003.

The four subject parcels north of West Corporation Street were included in the request to add area to the Downtown Tier in 2010. Through the analysis of Z1000003, it was noted in the staff report:

“The site has garnered interest from local residents and developers alike as an opportunity to create a catalyst for furthering the desired redevelopment for the area. Approval of this request would respect the character of the surrounding area; the DD-S2 district is intended to taper development intensity to the intact residential neighborhood adjacent to Downtown and DD-S1 provides a transition of intensity between Downtown’s edge and the core.”

City Council approved the request to include the subject parcels (and others) in the Downtown Tier as the DD-S2 designation on August 2, 2010.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request’s consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council and in consideration of the companion plan amendment request, case A1200004. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested RU-M zoning district.

Determination. If approved, development on the 1.63 acres appears capable of meeting the minimum ordinance requirements for the Urban Tier, RU-M district.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested RU-M zoning district is not consistent with the Future Land Use Map of the *Comprehensive Plan* which designates the site as Design District/Downtown Tier. A plan amendment (Case A1200004) to designate the site as

Medium Density Residential (6-12 DU/Ac.)/Urban Tier has been requested and is not being supported by staff.

Other applicable *Comprehensive Plan* policies have been reviewed with the site's existing designation:

Policy 2.2.5a, Downtown Tier Development Focus specifically states "Auto-oriented and low intensity uses shall be discouraged." The applicant proposes to develop the site as single-family houses which are considered an auto-oriented, low intensity use. The housing type is not a commitment, however, and the RU-M district does allow development of other housing types.

Policy 2.2.5c, Downtown Development Area specifies that property in the Downtown Tier shall utilize Downtown Design zoning districts and sub-districts to transition to nearby neighborhoods. Removal of the DD-S2 at this site leaves DD-S1 at the periphery of the Tier.

Policy 2.2.5d, Downtown Density states that residential densities will not be regulated but will emphasize building form to create desirable development. The standards for the housing types permitted in the RU-M district do not require building form elements consistent with Downtown goals.

Policy 2.4.1a, Downtown and Compact Neighborhood Tiers for Transit Support. The RU-M district does not mandate the design requirements for a higher level of pedestrian and bicycle facilities that is purposed for the Downtown Tier.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.5. A proposed bicycle lane along West Corporation Street is shown as a recommendation of the Long Range Bicycle Plan Map 4.5.

F. Site Conditions and Context

Site Conditions. The 1.63-acre site is located at 709-714 and 801, 803, 805, 807 North Street, north and south of West Corporation Street between Northwood Circle and Broadway Street. The 800-block parcels are all vacant and two of the six 700-block parcels are vacant, the remaining four have single-family residential structures on them. The 2005 aerial photograph (see Attachment 3) provided in this report does not reflect demolition of three of the structures.

Area Characteristics. The site is presently in the Downtown Tier at the periphery with the Urban Tier. The focus of these tiers is to enhance the street level experience. More specifically, the Downtown Tier requires that development be transit and pedestrian oriented; discouraging auto-oriented and low intensity uses. The Urban Tier aims to foster maintenance of the urban form with small lot sizes and differing uses in proximity to one another.

Stakeholders from a variety of backgrounds have engaged in a movement to revitalize this area. In the immediate vicinity of the subject site are redevelopment projects along Rigsbee Street, two blocks west, the Durham Central Park area and the intersection of Foster Street and Geer Street. The surrounding zoning districts include DD-S2, RU-M, and DD-S1.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed RU-M district and Urban Tier meets the ordinance requirements in relation to development on the subject site. However, removal of the property from the DD-S2 district, which was established to transition from the downtown core to adjacent residential neighborhoods, would eliminate the tapered development intensity that area residents and stakeholders requested just two years ago.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed RU-M district and Urban Tier is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

H. Staff Analysis

This request is not consistent with the *Comprehensive Plan*, including the Future Land Use Designation and policies for development in the Downtown Tier (policies 2.2.5a, 2.2.5c, 2.2.5d, and 2.4.1a). Staff is not recommending approval of the plan amendment (Case A1200004).

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Jarrod Edens, Edens Land Corp	Ph: 919-706-0550	Jarrod.edens@edensland.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Partners Against Crime – District 2
- Partners Against Crime – District 5
- Durham Athletic Park Area Planning Organization
- TTA Station Sites
- Old North Durham Neighborhood Association
- Old Five Points Neighborhood
- Fayetteville Street Planning Group
- Ellerbee Creek Watershed Association
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting July 10, 2012 (Case Z1200012)

Request: DD-S2 to RU-M

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Vice Chair Monds opened the public hearing. Two individuals spoke in favor and none spoke against. Vice Chair Monds closed the public hearing.

Commission Discussion: Discussion centered on single family residential in the Downtown District.

Motion: Approval Z1200012 (Mr. Smudski, Ms. Mitchell Allen 2nd).

Action: Motion carried 12-1 (Mr. Gibbs voting no).

Findings: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Context Map

Table K. Supporting Information		
		2. Future Land Use Map 3. Aerial Photography 4. Application 5. Owner's Acknowledgement 6. Submittal and Review History
Appendix B	Site History	n/a
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a
Appendix K	Summary of Planning Commission Meeting	Attachments 7. Planning Commissioner's Written Comments 8. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Application
5. Owner's Acknowledgement
6. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
RU-M	Residential Urban – Multi-family – the RU-M district is established to provide for orderly urban residential development and redevelopment with a minimum lot size of 3,500 square feet and a maximum of 17.5 dwelling units per acre. A variety of single- and multi-family housing types are permitted. While RU-M is a residential district, certain nonresidential uses such as day care facilities and places of worship may be sought through a special use permit or other limited provisions of the ordinance.

Table D2. District Requirements – RU-M			
	Code Provision	Required	Committed
Residential Density (maximum)	6.4.1.A.1	12*	12
Maximum Height (feet)	6.11.3.C.3	55	55

*17.5 DU/Ac is the maximum residential density if a development plan is utilized at the time of zoning approval

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
Comprehensive Plan	
Policy	Requirement
Future Land Use Map	Design District/Downtown Tier
2.2.5a	Downtown Tier Development Focus
2.2.5c	Downtown Development Areas
2.2.5d	Downtown Density
2.3.1b	Contiguous Development
2.4.1a	Downtown and Compact Neighborhood Tier for Transit Support
8.1.2j	Transportation Level of Service
8.1.4d	Development Review and the Adopted Bicycle Plans
11.1.1a	School Level of Service Standard
11.1.1b	Adequate Schools Facilities
Long Range Bicycle Plan	
Map 4-5 shows a proposed bicycle lane along West Corporation Street.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Multi-family residential, duplex	DD-S2, RU-M, RU-5	None
East	Single-family residential, duplex, commercial	DD-S2, RU-M	None
South	Vacant, commercial	DD-S1, DD-S2	None
West	Commercial, multi-family residential	DD-S2, DD-S1	None

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
North Mangum Street is the major road impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.	
Affected Segments	North Mangum Street
Current Roadway Capacity (LOS D) (AADT)	15,000
Latest Traffic Volume (AADT)	7,500
Traffic Generated by Present Designation (average 24 hour)*	7,445
Traffic Generated by Proposed Designation (average 24 hour)**	140
Impact of Proposed Designation	-7,305

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

N. Mangum Street: 2-lane one-way class II arterial without turn-lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

***Assumption-** (Max Use of Existing Zoning) – DD-S2: 71,002 sf retail, 71,002 sf office, and 142 apartments

**** Assumption-** (Max Use of Proposed Zoning) – RU-M: 21 apartments

Table G2. Transit Impacts
Transit service is currently provided within one-quarter mile of this site along West Geer Street and Rigsbee Avenue via DATA route #4. The closest bus stop is near the intersection of Madison Street and West Geer Street.

Table G3. Utility Impacts
This site is served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is estimated to generate five students. This represents a decrease of 24 students from the existing zoning. Durham Public Schools serving the site are Glenn Elementary School, Brogden Middle School, and Riverside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	15,864	8,647	9,916
Maximum Building Capacity (110% of Building Capacity)	17,450	9,512	10,908
20th Day Attendance (2011-12 School Year)	15,827	7,008	9,686
Committed to Date (July 2009 – June 2012)	384	124	81
Available Capacity	1,239	2,380	1,141
Potential Students Generated – Current Zoning*	17	6	6
Potential Students Generated – Proposed Zoning**	3	1	1
Impact of Proposed Zoning	-14	-5	-5

***Assumption-** (Max Use of Existing Zoning) – DD-S2: 71,002 sf retail, 71,002 sf office, and 142 apartments

** **Assumption-** (Max Use of Proposed Zoning) – RU-M: 21 apartments

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 2,415 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 28,115 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	28.06 MGD
Approved Zoning Map Changes (July 2009 – June 2012)	0.70 MGD
Available Capacity	8.24 MGD
Estimated Water Demand Under Present Zoning*	30,530 GPD
Potential Water Demand Under Proposed Zoning**	2,415 GPD
Potential Impact of Zoning Map Change	-28,115

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – DD-S2: 71,002 sf retail, 71,002 sf office, and 142 apartments

** Assumption- (Max Use of Proposed Zoning) – RU-M: 21 apartments

Appendix K: Summary of Planning Commission Meeting

Attachments

7. Planning Commissioner's Written Comments
8. Ordinance Form